

## MEMORANDUM ENDORSED



**SBAITI & COMPANY**  
A TEXAS PROFESSIONAL LIMITED LIABILITY COMPANY

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June 21, 2023

### Via E-File

Honorable Gregory H. Woods  
U.S. District Judge  
Southern District of New York  
500 Pearl Street, Room 2260  
New York, NY 10007

Re: *U.S. Bank, National Association, et al v.*  
*The Charitable Donor Advised Fund, L.P. et al,*  
No. 1:21-cv-11059-GHW, United States District Court,  
Southern District of New York

### **Unopposed Letter Motion for Extension of Time**

Dear Judge Woods:

I write on behalf of Defendant/Counter-Plaintiff NexPoint Diversified Real Estate Trust regarding the Court's May 30, 2023 Order setting a briefing schedule for Brigade Capital Management, LP's Motion to Dismiss, ECF No. 117 ("Briefing Order"). NexPoint respectfully requests an Order granting a short, five-day extension of time for the submission of its response to Brigade Capital Management, LP's Motion to Dismiss, ECF No. 119, from Wednesday, June 21 until Monday, June 26, 2023, and for an equal extension of Brigade's deadline for its reply brief from July 5, 2023 until July 10, 2023.

This is NexPoint's first request to continue this briefing schedule. The request is necessitated by NexPoint's lead counsel's absence this week, unexpected last minute developments in other pending matters, namely, third-party depositions that were scheduled in Amarillo at the last minute in the matter *Salt & Light Energy and Equipment, LLC v. Origin Bancorp*, No. 3:22-cv-00654-N (N.D. Tex.), deadlines in the same matter for Monday, June 19, 2023, which took longer than expected to meet, and other developments in several other matters which unexpectedly took longer than expected. While Brigade's motion to dismiss is largely parallel to the arguments raised by Plaintiffs/Counter-Defendants already, certain specific issues bear addressing for the Court's benefit.

Honorable Gregory H. Woods  
Page Two  
June 21, 2023

Brigade does not oppose NexPoint's request for an extension of time so long as Brigade is granted an equal extension of its deadline on reply. This request for a brief extension of time will not affect any other scheduled dates in the Briefing Order.

The Parties respectfully request that the Court order this stipulated extension of deadlines.

Yours very truly,

/s/ Mazin A. Sbaiti

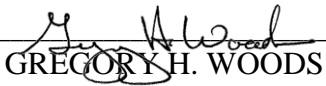
Mazin A. Sbaiti

Application granted. NexPoint's opposition is due no later than June 26, 2023. Brigade's reply, if any, is due no later than July 10, 2023.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 144.

SO ORDERED.

Dated: June 21, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge